W.P. 7193/03
O.A. 44/92(J)

W.P.(S) 513/05

BEFORE THE STATE ADMINISTRATIVE TRIBUNAL, JABALPUR.

O.A.No. 44 of 1992

Tarachand Jain Vs. State of Madhya Pradesh

Application under Section 19 of the Administrative Tribunals Act, 1985

DETAILS OF THE APPLICATION

1. Particulars of applicant:

(a)	Name of applicant	: Tara Chand Jain
(b)	Father's name	: Shri Kapoorchand Jain
(c)	Age	: 27 years
(d)	Designation and office in which employed	: Upper Division Teacher, Government High School, Patod, Tehsil Kanker, Distt. Bastar.
(e)	Address for notice	: Tarachand Jain, c/o Shri J.K. Jain ~~Rajapara~~, ~~near~~ ~~Mandir~~ Narayanpara ~~Kanker~~, Distt. Bastar.

2. Particulars of the respondent/s:

Name & addresses	: 1. State of Madhya Pradesh through Secretary, Department of Tribal Welfare, Vallabh Bhavan, Bhopal. 2. Commissioner/President, Bastar Adim Jati and Anusuchit Jati, Kshetriya Vikas Pradhikaran, Jagdalpur, Distt. Bastar.

3. Particulars of the order against which application is made:

The application is made against the following order:-

(a)	Order No.	: 1/91/8510
(b)	Date	: 26th December 1991
(c)	Passed by	: Commissioner/President, Bastar Adim Jati and Anusuchit Jati,

(84)

HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) NO. 513 OF 2005.

PETITIONER : Tarachand Jain

Versus

RESPONDENTS : State of Madhya Pradesh (Now Chhattisgarh) & another

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Present : Shri Anand Shukla, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State/ respondents.

(ORAL ORDER)
(Passed on 7th July, 2006)

The petitioner was appointed as Upper Division Teacher vide order dated 08-02-1990. The services of the petitioner along with 16 other similarly situated Upper Division Teachers were terminated by order dated 26-12-1991(Annexure A/2). Some of the Upper Division Teachers, whose services have been terminated by order dated 26-12-1991 have approached the Madhya Pradesh State Administrative Tribunal, Jabalpur in various applications. All the applications along with O.A. No. 1592/1991 was allowed by order dated 13-01-1992.

(2) Learned counsel appearing for the respondents agrees with the facts as stated by learned counsel for the petitioner. Learned counsel appearing for the parties submit jointly that this matter may be disposed of in terms of the order dated 13-01-1992, passed by Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 1592/1991. The relevant portion of the Order dated 13-01-1992 reads as follows:

(c) Passed by

"6. The applications are allowed. The impugned order terminating the services of the applicants are hereby quashed. The respondents were directed to reinstate all the applicants and also pay them back wages. Nothing in this order shall preclude the respondents from resuming any fresh action with due advertence to the foregoing observation against the applicants. In case the respondents still feel that the applicants did not fulfil the essential qualifications/requirements, they can proceed to take action according to law after giving the applicants proper opportunity of submitting their explanation. There shall be no order as to costs."

(3) Accordingly, the petition is allowed. The impugned order terminating the services of the petitioner is hereby quashed. Since the petitioner has been working on the strength of the stay order granted by the Tribunal, there is no question of payment of any back-wages. The respondents are at liberty to take action in accordance with law, after affording the petitioner proper opportunity of hearing. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gibby

Dastak Aggarwal Advocate
Jati,